

A1 6. (Amended) A suspension article according to claim 1, wherein each of said attachment strips is comprised of a pre-stretched elastomeric grid section.

A2 15. (Amended) A process for producing a suspension article for a support structure having a frame, comprising the steps of:

forming a non-woven grid integrally with attachment strips; and
stretching said non-woven grid between and attaching said non-woven grid to the frame through said attachment strips, said non-woven grid having a substantially uniplaner configuration between the frame.

REMARKS

Amendments to the Claims

Upon entry of the foregoing amendment, claims 1-20 are pending in the application. Of the pending claims, claims 1, 10, and 15 are independent and claims 6 and 15 have been amended.

Election/Restrictions

The Patent Examiner has concluded that the product claims and process claims are directed toward distinct inventions and therefore required a restriction to one of the inventions. Applicant hereby provisionally elects to prosecute claims 1-14. With this provisional election, applicant retains all rights including the right to incorporate the limitations of an allowable generic apparatus claim into the process claims according to 37 C.F.R. § 1.141(a). Accordingly, pursuant to MPEP § 821.04 Rejoinder, applicant is

permitted to amend claims 15-20 as originally filed and enter them through amendment before final allowance.

Additionally, claim 15 is amended to be a species of the generic apparatus claims set forth in claims 1 and 10, including limitations set forth in these generic apparatus claims. Therefore, the process claims should be entered as a matter of right because these claims include the limitations of the apparatus claims and are presented before final allowance thereof. See MPEP § 821.04.

Inasmuch as the process claims have been amended to conform more with the regulations for apparatus and method claims in single applications, applicant hereby requests that the Examiner withdraw the restriction to claims 15-20, as amended.

Oath/Declaration

In the Office Action, the Examiner noted that a post office address for Gary Lehman was not initially provided as required by 37 C.F.R. § 1.33(a). Dennis J.M. Donahue III, an attorney of record in this application, contacted the Examiner over the phone to confirm that the inventor's contact information had been sent and determine whether the Examiner had received the contact information. Additionally, please note the change in address for the inventor:

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I. Claim Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1 – 8 and 10 – 14 as being anticipated by Deignan U.S. Patent No. 5,768,758 ("the Deignan reference").

A. The Patent Applied to Claims 1 and 10

Applicants respectfully submit that the Deignan reference fails to disclose each element of the present invention. Specifically, the Deignan reference fails to disclose the element of "a substantially uniplaner, non-woven grid integrally formed with a pair of attachment strips." Neither the Deignan reference nor the prior art discloses or suggests the use of a non-woven grid in combination with a frame and integral fasteners for attaching the grid to the frame. Referring to Figures 8-12 and corresponding sections of the specification, the Deignan reference repeatedly recites a web that is woven or knitted:

Web 70 of FIG. 11 is woven, like web 48 of FIGS. 8-10, and includes warp yarns 72, weft yarns 74, and cord 75. Deignan, Column 7, lines 44-45.

For the particular embodiment represented by Figure 12, the Deignan reference specifically discloses that the web is comprised of a fabric that is "woven or knitted." See Deignan, Column 8, line 3. The specification merely suggests that the web differs from the previous embodiments in that the cord is not knitted or woven into the fabric of the web. See Deignan, Column 7, lines 63-65. However, the web itself is either woven or knitted rather than being non-woven. Additionally, the specification teaches that the cord "may be either knitted, braided or knit-braided." Deignan, Column 8, lines 3-4. Therefore, the Deignan reference fails to disclose or suggest the use of a non-woven grid.

Because the Deignan reference fails to disclose the non-woven feature of the present invention and its combination with the frame and integral fasteners, the Deignan reference cannot anticipate independent claims 1, 10, and 15. Additionally, the Deignan reference and the other prior art references fail to disclose or suggest the use of the

substantially uniplaner, non-woven grid in combination with the frame and their attachment through the integral fasteners. Therefore, applicant respectfully traverses the Examiner's conclusion that the Deignan reference anticipates claims 1 and 10 and asks the Examiner to reconsider the allowability of these claims without amendment.

B. The Patent Applied to the Dependent Claims

Claims 2-8 each depend from and include all the limitations of amended claim 1 and, therefore, overcome the rejection to claim 1 under 35 U.S.C. 102(b) in the same manner as claim 1. Similarly, claims 11-14 each include all the limitations of amended claim 10 and, therefore, overcome the rejection to claim 1 under 35 U.S.C. 102(b) in the same manner as claim 1.

Additionally, the non-woven features particularly set forth in dependent claims 3-5 and 12-14 further differentiate the claimed invention from the prior art references, including the Deignan reference. Applicant respectfully traverses the Examiner's conclusion that the woven grid of the Deignan reference "comprises primary members (figure 8 & 12) that are connected to points of intersection (50), which are lined between the attachment strips thereby forming a plurality of ribs (52)." With reference to Figures 8 and 12, the Deignan reference describes the interlacing nature of the "warp yarns 50 and weft yarns 52" in the "woven web 48" according to "a known manner." See Deignan, Column 7, lines 3-13.

The warp yarns 50 and weft yarns 52 cannot form an intersection with each other according to the claimed invention because they "interlace" with each other to form the woven web. In the Deignan reference, separate and distinct weft yarns 52 and warp yarns (50) are interlaced. Even if the Examiner broadly interprets this interlacing to b

an intersection, the interlacing of the Deignan reference must be limited to woven intersections according to known weaving processes, whereas the points of intersection of the present invention clearly are not woven because they form part of the non-woven grid. Therefore, applicant respectfully traverses the Examiner's conclusion that the Deignan reference anticipates dependent claims 3-5 and 12-14 and asks the Examiner to reconsider the allowability of these claims without amendment.

Allowable Subject Matter

The Office Action indicates on page 4 that claim 9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the Examiner's conclusion that allowable subject matter exists in claim 9. However, for the reasons set forth above, the independent claim from which claim 9 depends is also patentable subject matter and, therefore, claim 9 need not be rewritten in independent form to be allowable.

II. Conclusion


Applicant respectfully submit that independent claims 1, 10, and 15 are allowable over the prior art of record, including the Deignan reference. For similar reasons, and for the additional reasons set forth above, applicant submits that the dependent claims are also allowable.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It

is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

 *November 15, 2002*
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Version With Markings to Show Changes Mad

In the Claims

Following is a marked-up version of claims 6 and 15.

6. A suspension article according to claim 1, wherein each of said attachment strips is comprised of a pre-stretched elastomeric grid section.

15. A process for producing a suspension article for a support structure having a frame, comprising the steps of:

forming a non-woven grid integrally with attachment strips; and

stretching said non-woven grid between and attaching said non-woven grid to the frame through said attachment strips, said non-woven grid having a substantially uniplaner configuration between the frame.

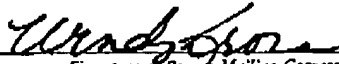
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: David Mundell, et al.	Group No.: 3636
Serial No.: 09/892,263	Atty. Docket No.: 3798/15933 (41714-012)
Filed: 06/27/2001	Examiner: Erika P. Garrett
For: Integral Elastomeric Suspension Article and Manufacturing Process	FAX: 703-872-9326 Phone: 703-605-0758

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

Transmitted herewith is:

☒ Response to Office Action

Husch & Eppenberger, LLC 190 Carondelet Plaza St. Louis, MO 63105 314-480-1500 314-480-1505 FAX	Certificate of Transmission under 37 CFR 1.8
	I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Offices on <u>11-15-02</u> at the facsimile number above.
	 <small>Signature of Person Mailing Correspondence</small>
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